

Recorded JUL 1 1965  
Request of ALIAN TIBBALS, City Suite 604 El Paso Nat  
For Paid HAZEL TAGGARD, Rural Gas Bldg. SLG,  
Recorder, Salt Lake County, Ut.  
\$ 25 By *[Signature]*  
Ref. *[Signature]*  
B 26-14-12-  
misc index # 4,  
water index # 2.

*Margaret Ure, etc*

IN THE DISTRICT COURT OF SALT LAKE COUNTY.

STATE OF UTAH

IN THE MATTER OF THE ESTATE OF	:	ORDER SETTLING, ALLOWING AND APPROVING
CARL S. URE,	:	THE FIRST AND FINAL ACCOUNT OF THE EXECUTOR,
	:	ALLOWING ATTORNEY'S FEES, ORDERING DISTRI-
Deceased.	:	BUTION AND PROVIDING FOR DISCHARGE OF THE
	:	EXECUTOR AND FOR TERMINATION OF JOINT
	:	TENANCY.

No. 47449

The petition filed herein by Don Carl Ure, executor under the Last Will and Testament of Carl Stephen Ure, deceased, praying for approval of his First and Final Account submitted as such executor, seeking authorization to pay the attorney's fee and approval thereof and for distribution of the property of the decedent pursuant to the terms of the will for the termination of the joint tenancy existing between Margaret R. Ure and the decedent, Carl Stephen Ure, and for the discharge of the executor upon filing of receipts reflecting distribution in accordance with the order of this court having come on regularly for hearing before this court on the 2nd day of June, 1965, and the attorney for the executor having appeared in support of the petition and there having been filed with the court application by the surviving joint tenant, Margaret R. Ure, for the termination of the joint tenancy and also there having been filed with the court written consent by the beneficiaries named in the Last Will and Testament of Carl S. Ure, deceased, to the proposed distribution and a consent that this court order distribution in accordance with the proposal of the executor and further consenting to the entry of approval by this court of the First and Final Account; and from an examination of the file and the verified petition and the court having examined the First and Final Account of the said executor and being fully informed in the premises, finds the following to be true:

1. Carl Stephen Ure, also known as Carl S. Ure, died in Salt Lake County, State of Utah on the 16th day of July 1963. At the date of decedent's death and for many years prior thereto he had been and was a resident of the County of Salt Lake, State of Utah.
2. The decedent died testate. His Last Will and Testament was admitted to probate before this court on the 14th day of August 1963. Don

Carl Ure, nominated in the will to serve as executor, was duly appointed and qualified as executor and ever since said date has been the duly qualified and acting executor under the Last Will and Testament of Carl Stephen Ure, deceased.

3. Due and proper notice of the hearing upon the petition for approval of the account, allowance of attorney's fees, distribution of the estate, discharge of the executor and for termination of joint tenancy has been given in accordance with law. The beneficiaries under the Last Will and Testament have filed and consent to distribution. The surviving joint tenant has filed a request for termination of the joint tenancy of the decedent.

4. Due and sufficient notice to creditors has been published as required by law and no claims have been received.

5. All taxes have been paid in accordance with the applicable law, including federal estate tax and Utah State inheritance tax.

6. The funeral expenses and expenses of last illness of the decedent have been properly and duly paid.

7. During the course of administration of the estate, claim for damages arose against Salt Lake County by virtue of the desire of that county to remove the irrigation dam from the Jordan River relied upon to irrigate decedent's lands. This claim was appropriately settled, the action taken receiving the approval of this court. The executor has replaced the removed dam with other irrigation facilities and particularly pumping facilities. The transaction is properly reflected in the account and the executor requests the right to distribute the substitute facilities to the lawful claimants of the estate in lieu of the original dam and facilities extant at the time of death.

8. Certain of the personal property of the estate was sold by the executor, confirmation of sales having been had on the items required by law in an application to this court previously made, the other items having been properly reported in the account and it appearing that the sale was in the best interest of the estate, the executor's report submitted in the account and petition should be approved.

9. The detailed accounting of the administration of the estate submitted by the executor has been audited by the clerk of this court and it appears the account is supported by proper vouchers and the expenses claimed were necessarily made and that the account is correct.

10. The heirs of the decedent are his wife, Margaret R. Ure, and his two sons, Richard Max Ure and Don Carl Ure.

11. The beneficiaries named in the Last Will and Testament of the decedent are the decedent's wife, Margaret R. Ure and his two sons, Don Carl Ure and Richard Max Ure.

12. In connection with the proposed distribution it appears that the widow of the decedent did not file an election to take under the will but rather relied upon her right as given by 74-4-4 Utah Code Annotated 1953 to claim her dower interest in the lands and to take the additional distributive share provided for by will, it being clearly manifest from the will itself that it was the intention of the decedent to make an additional provision for his wife over and above the one-third statutory interest in real estate which was expressly recognized by the will.

13. It appears from an examination of the account, the file and the petition before this court that the estate is fully administered and in a condition to be closed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

(a) The First and Final Account of the executor of the administration of the estate of Carl Stephen Ure, deceased, be and it is hereby approved, settled and allowed.

(b) The property of the estate shall be and is hereby distributed as follows:

To Margaret R. Ure, Don Carl Ure and to Richard M. Ure, as tenants in common, an undivided one-third interest each in and to the following described property:

Parcel 1: Lot 9, Section 10, T. 1 N. R. 1 W. S. 1 M. Containing 20.60 acres.

Parcel 2: Beginning at the NE corner of the NW 1/4 of Section 15, T. 1 N. R. 1 W. S. 1 M. S. 2.03 chains, N. 17.77 chains, N. 2.03 chains E. 17.77 chains to beginning. Containing 4.42 acres.

Parcel 3: Beginning 19.695 chains N. from the center of Sec. 15, T. 1 N., R. 1 W., West 28.70 chains, N. 12° 30' E. 2 chains, N. 29° E. 4.21 chains, N. 47° 30' E. 3 chains, N. 57° E. 4.44 chains, N. 30° E. 2 chains, N. 5° 12' West 2.43 chains, N. 23° 10' E. 4.445 chains, E. 17.77 chains, S. 19.275 chains to beginning, Containing 44.24 acres.



*Don C. W.*  
 Parcel 4: Beginning at the SE corner of Lot 9, Sec. 10, T. 1 N., R. 1 W., SLN, E. 270.6 feet to concrete monument that is designated as being 600 feet E. of S 1/4 corner of Section 10, N. 1320 feet more or less, W. 577.77 feet, more or less, to the NE corner of said Lot 9, S. 22° 30' E. 228.16 feet, ~~to the NE corner of said Lot 9, S. 15° 30' E. 660 feet, S. 5° 15' E. 475.2 feet, more or less, to beginning, containing, less road, 6.59 acres.~~

To Margaret R. Ure, Don Carl Ure and Richard H. Ure, as tenants in common in equal shares, one-third each,

Ferguson tractor, Model #1107654, Serial #689, Year 1956

1 used Disc

1 corn cultivator, used

1 4-wheel wagon, used

1 fuel tank, used

1 feed liquid tank, used

1 land plane, used

Used garden and hand tools

Tool for removal of boards from dam

Cattle corral

Ford pickup truck-purchased used-Serial #F103R14226: 1957, 6

Diesel engine water pumps

Electric fence regulator

Ditcher

To Margaret R. Ure,

Ford Galaxie sedan automobile

(c) The joint tenancy in the following-described property is hereby terminated and the said property is hereby set apart as the sole and separate estate of Margaret R. Ure, subject only to the contracts outstanding for the sale of a portion of said property, said contracts being as more particularly described hereinafter, which contracts and the proceeds thereof are likewise declared to be the sole and separate property of Margaret R. Ure and said property being further subject to the condemnation by the State of Utah in this court docket No. 140611, wherein Judgment was entered January 21, 1965 condemning a right of way through a portion of said tract.

*Don C. W.*  
 Commencing 82 rods East and 26.24 rods North from the Southeast corner of Section 9, Township 1 North, Range 1 West, Salt Lake Meridian, West 162 rods; North 140 feet East 330 feet; North 280 feet; West 333 feet; North 34.24 feet; East 190.41 rods more or less to river; South(easterly) along said river to beginning. Less St. 26.48 acres.

Subject, however, to two contracts of sale on said tracts and a condemnation proceeding by the State of Utah on a portion, all defined as follows:

(a) To Don C. Herbert and Christena H. Herbert, dated July 6, 1963 - on Earnest Money Receipt - Uniform Real Estate Contract dated July 26, 1963 - Total consideration \$21,950.00 - paid down \$500.00 on Earnest Money Receipt prior to death of decedent. \$2,500 on July 26, 1963, following decedent's death - Balance payable \$115.00 per month commencing on September 1, 1963 and like sum each month thereafter until

paid in full with interest at 6% per annum. Contract covers following described property:

Beginning in the center of a 4 rod street, 52.77 rods North from the Southwest corner of the Southeast quarter of the Southeast quarter of Section 9, Township 1 North, Range 1 West Salt Lake base and Meridian, and running thence East 1257 feet, more or less, to the West line of the Salt Lake City #2 Drain Ditch; thence South 45° 34' East, along said West line, 633 feet, more or less; thence West 837 feet more or less to an irrigation ditch; thence North along said ditch 280 feet; thence West 550 feet; thence North 143 feet, thence West 323 feet to the center of said 4 rod street; thence North along the center of said street 34.24 feet to the point of beginning. TOGETHER with and including all water and water rights appurtenant to and used upon or in connection with the above-described property including but not limited to a well situate thereon. SUBJECT to easements, restrictions and rights of way appearing of record or enforceable in law and equity, and taxes for the year 1963 and thereafter.

(b) To Charles J. Bosshardt and Eva A. Bosshardt, his wife, Uniform Real Estate Contract dated June 25, 1963. Total consideration \$4,200.00, paid down - \$2,000.00 - balance payable \$400.00 per year, to include interest @ 6% per annum and taxes, interest from June 25, 1963.

Commencing in the center of a 4 rod street 556.46 feet North from the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 9, Township 1 North, Range 1 West, Salt Lake base and Meridian; and running thence South 140 feet; thence East 833 feet, more or less to the West line of an irrigation ditch; thence North along the West line of said irrigation ditch 140 feet to a point due East of the place of beginning; thence West 833 feet to the point of beginning.

(c) That said bank account in the Farmers State Bank held jointly by decedent and Margaret R. Ure in which the sum on deposit as of the date of death was \$11,709.91 is declared to be the sole and separate property of the surviving joint tenant Margaret R. Ure.

(d) Employment of attorney Allen H. Tibbals to represent the executor, handle the affairs of the estate was required and said attorney is entitled to reasonable compensation for the services performed. The amount proposed by the executor is \$5,340.00 and is approved.

(e) The executor's commissions and fees allowed by law in the amount of \$2,426.60 are allowed. The remaining cash as shown by the account shall be applied thereto. Pursuant to the consent of the executor, the estate is distributed without reservation of any right to collect the deficiency of the executor's commissions of \$1575.61 which the beneficiaries and distributees hereunder have arranged to otherwise pay to the executor.

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✓ (g) Any and all property of any type whether real or personal and wheresoever located which may be hereinafter discovered belonging to the decedent is hereby distributed to Margaret R. Ure, Richard M. Ure and Ben Carl Ure in equal shares, share and share alike.

(h) Upon filing receipts showing distribution of the estate in accordance with this order, payment of the attorney's fees allowed by law, payment of the sum available upon executor's commissions, upon motion and without further hearing before this court, the executor may be discharged and the estate closed.

DATED this 2nd day of June, 1965

(SEAL)

/S/ Marcellus K. Snow  
JUDGE

ATTEST  
JACOB WEILER  
CLERK

BY Douglas Thomsen  
Deputy Clerk

FILED IN CLERK'S OFFICE  
Salt Lake County, Utah

JUN 2 1965  
JACOB WEILER, Clerk 3rd Dist. Court  
BY Douglas Thomsen  
Deputy Clerk